

H.S.  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gerritsen et al. ) Group Art Unit 1644  
Appl. No. : 09/940,101 )  
Filed : August 27, 2001 ) I hereby certify that this correspondence  
For : ErbB4 ANTAGONISTS ) and all marked attachments are being  
Examiner : Michail A. Belyavskyi ) deposited with the United States Postal  
 ) Service as first-class mail in an envelope  
 ) addressed to: United States Patent and  
 ) Trademark Office, P.O. Box 2327,  
 ) Arlington, VA 22202, on  
 ) December 5, 2002  
 ) (Date)

Ginger R. Dreger, Reg. No. 33,055

Response to Restriction Requirement

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United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

This paper is submitted in response to the Restriction Requirement mailed on November 7, 2002, setting a one-month period for response.

The Examiner found that the present claims are directed to thirteen distinct inventions and required restriction to one under 35 U.S.C. §121. Applicants hereby elect Group II, claims 1-14 and 22-27 with traverse.

Independent claims 1, 28, 46, 57 and 59 are generic to ErbB4 antagonists. However, in making the restriction, the Examiner did not consider any claims to be generic to an ErbB4 antagonist, but rather considered the claims to be directed to antibodies or immunoadhesin. Applicants submit that it would not be an undue burden on the Examiner to consider the generic claims as written and that the distinction between antibodies and immunoadhesins would more properly be addressed through an election of species requirement.

Appl. No. : 09/940,101  
Filed : August 27, 2001

The present application is considered to be in condition for examination on the merits. If any issues remain, the Examiner is respectfully requested to contact Applicants' counsel at the number provided below in order to resolve such issues promptly

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 5, 2002

By: Ginger R. Dreger  
Ginger R. Dreger  
Registration No. 33,055  
Attorney of Record  
Customer No. 20,995  
(415) 954-4114

AMEND  
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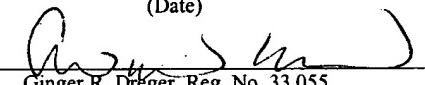
1644

Case Docket No. GENENT.072A2

Date: December 5, 2002

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In re application of : Gerritsen et al.  
App. No. : 09/940,101  
Filed : August 27, 2001  
For : ErbB4 ANTAGONISTS  
Examiner : Michail A. Belyavskyi  
Art Unit : 1644

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UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

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Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

The fee has been calculated as shown below:

## CLAIMS AS FILED

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims 20 — 84 = 0 × \$18 = \$0				
Independent Claims 1 — 15 = 0 × \$84 = \$0				

If application has been amended to contain multiple dependent claim(s), then add \$280 = \$0

Time Extension Fee \$0

TOTAL ADDITIONAL FEE  
FOR THIS AMENDMENT \$0

- (X) Response to Restriction Requirement in 2 pages.  
(X) Return prepaid postcard.  
(X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Case Docket No. GENENT.072A2

Date: December 5, 2002

Page 2

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(X) Please use Customer No. 20,995 for the correspondence address.

  
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